

The House Committee on Judiciary Non-civil offers the following substitute to HB 927:

A BILL TO BE ENTITLED
AN ACT

To amend Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to public school disciplinary tribunals, so as to expand the definition of "bullying"; to provide for legislative findings; to provide that a student can be reassigned to another school for the purpose of separating such student from his or her bullying victim; to direct the Department of Education to develop a model policy regarding bullying; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

It is the intent of the General Assembly that the model policy regarding bullying that is required to be promulgated by the Department of Education under this Act shall be utilized as a resource for the benefit of local school systems and shall not be used as a definition of the exclusive applicable standard of care in any civil or administrative action.

SECTION 2.

Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to public school disciplinary tribunals, is amended by revising Code Section 20-2-751.4, relating to policies prohibiting bullying, as follows:

"20-2-751.4.

(a) As used in this Code section, the term 'bullying' means an act which occurs on school property, on school vehicles, at designated school bus stops, or at school related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system, that is:

(1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; ~~or~~

(2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or

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(3) Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that:

(A) Causes another person substantial physical harm within the meaning of Code Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section 16-5-23.1;

(B) Causes substantial damage to another person's property;

(C) Has the effect of substantially interfering with a student's education;

(D) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(E) Has the effect of substantially disrupting the orderly operation of the school.

(b) No later than August 1, 2011:

(1) Each local board of education shall adopt policies, applicable to students in grades six through 12, that prohibit a policy that prohibits bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for middle and high schools in that school system;

(2) Each local board policy shall require that, upon a finding by the disciplinary hearing officer, panel, or tribunal of school officials provided for in this subpart that a student in grades six through 12 has committed the offense of bullying for the third time in a school year, such student shall be assigned to an alternative school; provided, however, that under such rules and procedures provided by law, a school system shall be authorized to assign a student who has committed one or more offenses of bullying to a school outside the student's attendance area, and a school administrator shall be authorized to assign a student who has committed one or more offenses of bullying to another classroom, for the purpose of separating the student from his or her victim;

(3) Each local board of education shall establish and publish in its local board policy a method to notify the parent, guardian, or other person who has control or charge of a student upon a finding by a school administrator that such student has committed an offense of bullying or is a victim of bullying; and

(4) Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each middle and high school and by including such information in student and parent handbooks.

(c) No later than January 1, 2011, the Department of Education shall develop a model policy regarding bullying, that may be revised from time to time, and shall post such policy on its website in order to assist local school systems. Such model policy shall include:

(1) A statement prohibiting bullying;

(2) A requirement that any teacher or other school employee who has reliable information that would lead a reasonable person to suspect that someone is a target of bullying shall immediately report it to the school principal;

(3) A requirement that each school have a procedure for the school administration to promptly investigate in a timely manner and determine whether bullying has occurred;

(4) An age-appropriate range of consequences for bullying which shall include, at minimum and without limitation, disciplinary action or counseling as appropriate under the circumstances;

(5) A procedure for a teacher or other school employee, student, parent, guardian, or other person who has control or charge of a student, either anonymously or in such person's name, at such person's option, to report or otherwise provide information on bullying activity;

(6) A requirement that a parent, guardian, or other person who has control or charge of a student who is a target of bullying or student who bullies another shall be notified;

(7) A statement prohibiting retaliation following a report of bullying; and

(8) A procedure for disseminating and publishing such policy.

(d) The Department of Education shall develop and post on its website a list of entities and their contact information which produce antibullying training programs and materials deemed appropriate by the department for use in local school systems.

(e) Any person who reports an incident of bullying in good faith shall be immune from civil liability for any damages caused by such reporting.

(f) Any school system which is not in compliance with the requirements of subsection (b) of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.